

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

GEORGE THOMAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
DENT-A-MED, INC., an Oklahoma	)	
Corporation d/b/a/ HC PROCESSING	)	
CENTER; and Unknown Agents, Individually,	)	
and as Agents, Apparent Agents, Servants,	)	
and/or Employees of DENT-A-MED, INC.,	)	
	)	
Defendant(s).	)	

**PLAINTIFF’S COMPLAINT**

Plaintiff, GEORGE THOMAS (“Plaintiff”), through his attorney, Agruss Law Firm, LLC, alleges the following against Defendant(s) DENT-A-MED, INC., d/b/a/ HC PROCESSING CENTER; and Unknown Agents, Individually, and as Agents, Apparent Agents, Servants, and/or Employees of DENT-A-MED, INC. (collectively hereinafter as, “Defendant”):

**INTRODUCTION**

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692, et seq.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337, 1367, and 15 U.S.C. §1692k (“FDCPA”).
3. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, Plaintiff resides in this District, and a material portion of the events at issue occurred in this District.

## **PARTIES**

4. Plaintiff is a natural person residing in Katy, Harris County, Texas.
5. Defendant, DENT-A-MED, INC. is an Oklahoma corporation doing business as HC PROCESSING CENTER, which has an office in Springdale, Arkansas, and conducting business in Harris County, Texas.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3).
7. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6).
9. Defendant attempted to collect a consumer debt from Plaintiff.
10. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.
11. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
12. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
13. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.
14. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

15. Defendant is attempting to collect a consumer debt from Plaintiff originally arising from an account with HelpCard, Defendant's account number 4369880-6.
16. The alleged debt owed arises from transactions for personal, family, and household purposes.
17. In or around the summer or fall of 2008, Defendant began contacting Plaintiff seeking and demanding payment on the alleged debt.
18. Around the same period of time, Plaintiff retained the services of Debt Counsel for Seniors and the Disabled ("DCSD") to help with his unsecured debts.
19. DCSD protects seniors, veterans, and the disabled to ensure creditors and collectors do not violate collection laws or garnish federally protected incomes, such as Social Security, Social Security Disability, Veterans benefits, and other federal funds.
20. On or around September 16, 2008, DCSD sent a notice of representation and cease and desist letter to Defendant at Defendant's address, 203 E. Emma Street, Suite A, Springdale, Arkansas 72764. *See* letter attached as Exhibit A.
21. DCSD's letter was provided to Defendant with Plaintiff's name, reference number, last four digits of the account number, and a cease and desist request and notice of representation from both DCSD and Plaintiff. *Id.*
22. Plaintiff's notice of representation cease and desist letter to Defendant of September 16, 2008 was not returned by the post office.
23. On or around September 29, 2008, Defendant mailed a letter to DCSD confirming Defendant has received Plaintiff's letter of September 16, 2008. *See* letter from Defendant attached as Exhibit B.

24. Despite the foregoing, on or around January 24, 2012, Defendant sent a collections letter directly to Plaintiff seeking and demanding payment on the alleged HelpCard account. *See* letter from Defendant attached as Exhibit C.
25. On February 23, 2012, DCSD faxed yet another notice of representation and cease and desist letter to Defendant at 479-751-9057. *See* letter attached as Exhibit D.
26. On February 23, 2012, after DCSD's letter was faxed to Defendant, a Transmission Verification Report was generated. *Id.*
27. According to the Transmission Verification Report, Defendant received DCSD's notice of representation and cease and desist letter on February 23, 2012. *Id.*
28. Despite having received Plaintiff's cease and desist request and letter informing Defendant of DCSD's representation, on or around December 18, 2012, Defendant again sent another collections letter directly to Plaintiff seeking and demanding payment on the alleged HelpCard account. *See* letter from Defendant attached as Exhibit E.
29. Despite Plaintiff's repeated requests that Defendant cease contacting him directly in connection with the alleged HelpCard account, Defendant continued to send letters directly to Plaintiff, seeking and demanding payment on the alleged HelpCard account.
30. Despite having received notice that Plaintiff is represented by an attorney with respect to the alleged debt, Defendant communicated with Plaintiff in an attempt to collect the debt allegedly owed on the alleged HelpCard account.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

31. Defendant violated the FDCPA based on, but not limited to, the following:
  - a. Defendant violated §1692c(a)(2) of the FDCPA by continuing to communicate with a consumer while knowing or having reason to know the consumer is

represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address when Defendant sent repeated collections letters directly to Plaintiff, despite Defendant having received repeated cease and desist requests and notices of representation from Plaintiff and DCSD; and

- b. Defendant violated §1692c(c) of the FDCPA by communicating with a consumer after receiving notification, in writing, that the consumer wishes the debt collector to cease further communication when Defendant sent repeated collections letter directly to Plaintiff, despite Defendant having received repeated cease and desist requests and notices of representation from Plaintiff and DCSD.

WHEREFORE, Plaintiff, GEORGE THOMAS, respectfully requests judgment be entered against Defendant, DENT-A-MED, INC., d/b/a/ HC PROCESSING CENTER; and Unknown Agents, Individually, and as Agents, Apparent Agents, Servants, and/or Employees of DENT-A-MED, INC., for the following:

32. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
33. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
34. Any other relief this Honorable Court deems appropriate.

[INTENTIONALLY LEFT BLANK]

DATED: September 14, 2013

RESPECTFULLY SUBMITTED,

By: /s/ Michael S. Agruss

Michael S. Agruss  
Agruss Law Firm, LLC  
22 W. Washington Street  
Suite 1500  
Chicago, IL 60602  
Tel: 312-224-4695  
Fax: 312-253-4451  
michael@agrusslawfirm.com  
Attorney for Plaintiff

# **EXHIBIT A**

*Debt Counsel for Seniors & the Disabled*



16 September 2008

Page 1 of 2

Collections Manager  
HC Processing Center  
203 E Emma Suite A  
Springdale, AR 72764

Re: **George Thomas**  
**Your file or reference No.: 4369880-6/Helpcard**  
**Our file No.: 10061**

Dear General Counsel or Compliance Officer:

Please be advised that my law firm represents the above-referenced client for the purpose of enforcing their rights against debt collectors under all applicable federal laws.

This letter serves as notice that my client hereby **disputes** the above-referenced alleged debt and requests **validation** of it in accordance with **15 U.S.C. § 1692g**. Please provide any agreement(s) our client signed with the original creditor, an accounting history showing how you got to the amounts claimed and when this alleged debt was charged off. Unless and until such proof is furnished, we do not recognize any right on your part to attempt to collect any amount from our client through credit reporting or any other means. Moreover, all changes in terms of this alleged debt are hereby objected to and rejected. Please be advised that the continuation of collection activity without adequately responding to these requests may result in a lawsuit against you.

As the client's attorney, I also respectfully inform you that you must **cease** contacting them according to **§§ 1692c(a)(2) AND 1692c(c)** of the **Fair Debt Collection Practices Act**, since this letter not only serves as notice of our representation of this client but also contains a **cease and desist order** signed and notarized by the alleged debtor. If and when you violate these statutes, I will not hesitate to pursue all legal remedies on behalf of my client in the United States District Court.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Jerome S. Lamet', written in dark ink.

Jerome S. Lamet, Supervising Attorney  
Debt Counsel for the Seniors and the Disabled  
Cc: George Thomas

---

Jerome S. Lamet, Supervising Attorney  
The Pontiac Building  
542 South Dearborn  
Suite 1260  
Chicago, Illinois 60605  
V: (312) 939-2221  
F: (312) 939-2741



## **EXHIBIT B**

#10061

**HC PROCESSING CENTER**

P.O. Box 829 \* Springdale, AR 72765-0829

September 29, 2008

DEBT COUNSEL FOR SENIORS  
542 S DEARBORN ST STE 1260  
CHICAGO IL 60605-1528

OCT 2 2008

RE: George Thomas, Account No: 4369880-6

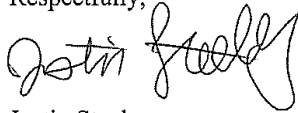
Dear Sir or Madam:

We are in receipt of your recent notice of representation of the above referenced consumer in regard to settling his or her debt with us. Please be advised that we are not a third party collection agency; we are a creditor attempting to collect our own debt. As such, our collection efforts are not governed by the FDCPA.

In addition, your correspondence requests that we cease communication with the consumer and direct all future correspondence to your company. As a company that collects its own debts, we are unwilling to comply with this request and will continue to communicate directly with our debtor.

If you have any questions or require further assistance, please feel free to contact us at 866-412-7864.

Respectfully,



Justin Steeley  
Dispute Department

49

## **EXHIBIT C**

FEB 21 2012

**HC PROCESSING CENTER®**

Asset Recovery Department  
PO Box 829, Springdale, AR 72765-0829

HC Processing Center - 380  
PO Box 829  
Springdale, AR 72765-0829

# 100061

Date: January 24, 2012  
Account #: 4369880 - 6

HELP CARD

GEORGE THOMAS  
3415 E RAINMILL DR  
KATY TX 77449-7077

Dear George Thomas:

## TAX REFUND OFFER!

It is tax refund time! HC Processing Center is offering you an opportunity to clear the outstanding debt on your HELPCard account, submitted through Dignified Management Group Inc at a discount using your Tax refund and, at the same time, potentially help your credit profile. Once you pay this settlement offer, we will amend our credit reporting information to show this account as "Account paid in full for less than the full balance".

If you cannot afford to settle at this time, we will work with you to set up a payment plan that *you can afford*. We realize that many of our customers are under financial pressure and we will listen and use every effort to help you resolve this account.

*We will work together to find the best way possible for you to resolve this matter. We have several options including a lump sum payment, multi-part payments, or small monthly payments.*

*We can't help you resolve this account if you don't call 877-946-4242!*

Sincerely,  
Asset Recovery Department

DERRICK COLE

fax 479 - 751 - 9057

## **EXHIBIT D**



February 23, 2012

BY FAX ONLY: 479-751-9057

Collections Manager  
HC Processing Center  
203 E Emma Suite A  
Springdale, AR 72764-

**Re: George Thomas**  
**Your reference # 43698806 - Helpcard: Ending in 8806**  
**Our file # 10061**

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby **disputes** the above-referenced alleged debt and requests **validation** of it in accordance with **15 U.S.C. § 1692g**. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collection any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to **15 U.S.C. § 1692g(b)**.

As the client's attorney, I respectfully inform you that you must **cease** and desist contacting my client(s) pursuant to **15 U.S.C. § 1692c(a)(2) and 1692c(c)**. If and when you violate these statutes, I will not hesitate to pursue all legal remedies for my client with local co-counsel.

Sincerely,

Jerome S. Lamet  
Supervising Attorney  
Debt Counsel for Seniors and the Disabled

Cc: George Thomas

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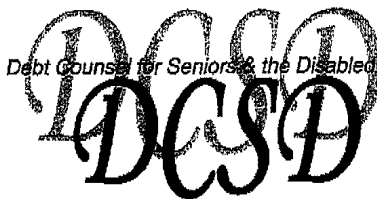
**Jerome S. Lamet, Supervising Attorney**  
The Pontiac Building  
542 South Dearborn  
Suite 1260  
Chicago, Illinois 60605  
V: (312) 939-2221  
F: (312) 356-3199

TRANSMISSION VERIFICATION REPORT

TIME : 02/23/2012 16:59  
NAME : JEROME LAMET LTD  
FAX : 13123563199  
TEL : 13129392221  
SER.# : BROD8J797996

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

02/23 16:59  
14797519057  
00:00:26  
02  
OK  
STANDARD  
ECM



February 23, 2012

BY FAX ONLY: 479-751-9057

Collections Manager  
HC Processing Center  
203 E Emma Suite A  
Springdale, AR 72764-

Re: **George Thomas**  
**Your reference # 43698806 - Helpcard: Ending in 8806**  
**Our file # 10061**

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby **disputes** the above-referenced alleged debt and requests **validation** of it in accordance with **15 U.S.C. § 1692g**. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collection any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to **15 U.S.C. § 1692g(b)**.

As the client's attorney, I respectfully inform you that you must **cease** and desist contacting my client(s) pursuant to **15 U.S.C. § 1692c(a)(2) and 1692c(c)**. If and when you violate these

# **EXHIBIT E**



**HC PROCESSING CENTER®**  
Asset Recovery Department  
PO Box 829, Springdale, AR 72765-0829

1101 1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178 1179 1180 1181 1182 1183 1184 1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195 1196 1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243 1244 1245 1246 1247 1248 1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 1305 1306 1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317 1318 1319 1320 1321 1322 1323 1324 1325 1326 1327 1328 1329 1330 1331 1332 1333 1334 1335 1336 1337 1338 1339 1340 1341 1342 1343 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1354 1355 1356 1357 1358 1359 1360 1361 1362 1363 1364 1365 1366 1367 1368 1369 1370 1371 1372 1373 1374 1375 1376 1377 1378 1379 1380 1381 1382 1383 1384 1385 1386 1387 1388 1389 1390 1391 1392 1393 1394 1395 1396 1397 1398 1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417 1418 1419 1420 1421 1422 1423 1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434 1435 1436 1437 1438 1439 1440 1441 1442 1443 1444 1445 1446 1447 1448 1449 1450 1451 1452 1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463 1464 1465 1466 1467 1468 1469 1470 1471 1472 1473 1474 1475 1476 1477 1478 1479 1480 1481 1482 1483 1484 1485 1486 1487 1488 1489 1490 1491 1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519 1520 1521 1522 1523 1524 1525 1526 1527 1528 1529 1530 1531 1532 1533 1534 1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548 1549 1550 1551 1552 1553 1554 1555 1556 1557 1558 1559 1560 1561 1562 1563 1564 1565 1566 1567 1568 1569 1570 1571 1572 1573 1574 1575 1576 1577 1578 1579 1580 1581 1582 1583 1584 1585 1586 1587 1588 1589 1590 1591 1592 1593 1594 1595 1596 1597 1598 1599 1600 1601 1602 1603 1604 1605 1606 1607 1608 1609 1610 1611 1612 1613 1614 1615 1616 1617 1618 1619 1620 1621 1622 1623 1624 1625 1626 1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637 1638 1639 1640 1641 1642 1643 1644 1645 1646 1647 1648 1649 1650 1651 1652 1653 1654 1655 1656 1657 1658 1659 1660 1661 1662 1663 1664 1665 1666 1667 1668 1669 1670 1671 1672 1673 1674 1675 1676 1677 1678 1679 1680 1681 1682 1683 1684 1685 1686 1687 1688 1689 1690 1691 1692 1693 1694 1695 1696 1697 1698 1699 1700 1701 1702 1703 1704 1705 1706 1707 1708 1709 1710 1711 1712 1713 1714 1715 1716 1717 1718 1719 1720 1721 1722 1723 1724 1725 1726 1727 1728 1729 1730 1731 1732 1733 1734 1735 1736 1737 1738 1739 1740 1741 1742 1743 1744 1745 1746 1747 1748 1749 1750 1751 1752 1753 1754 1755 1756 1757 1758 1759 1760 1761 1762 1763 1764 1765 1766 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784 1785 1786 1787 1788 1789 1790 1791 1792 1793 1794 1795 1796 1797 1798 1799 1800 1801 1802 1803 1804 1805 1806 1807 1808 1809 1810 1811 1812 1813 1814 1815 1816 1817 1818 1819 1820 1821 1822 1823 1824 1825 1826 1827 1828 1829 1830 1831 1832 1833 1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847 1848 1849 1850 1851 1852 1853 1854 1855 1856 1857 1858 1859 1860 1861 1862 1863 1864 1865 1866 1867 1868 1869 1870 1871 1872 1873 1874 1875 1876 1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919



Date: December 18, 2012  
Account #: 4369880 - 6

HC Processing Center  
PO Box 1309  
Lowell, AR 72745

00000043698806

□□□□□□

Adrian fax# 918-622-5239

Dear GEORGE THOMAS,

**YOUR HELPcard ACCOUNT HAS BEEN SELECTED TO RECEIVE A SUBSTANTIAL DISCOUNT OFFER.**  
This is a onetime offer and will expire on 01/17/2013.

Our records show that your HELPaard credit card account was opened through Dignified Management Group Inc. We are offering you an opportunity to settle your outstanding balance for 25% if you respond by 01/17/2013. This is a 75% savings!

The current economy has created financial challenges for many of our customers and HC Processing Center is in a position to help a select number of our customers by offering an opportunity to “settle in full” their outstanding debt in an effort to resolve their delinquent status and potentially improve their credit standing.

Your total outstanding balance is \$3,898.22; you can settle your account for \$974.56 if received by 01/17/2013.

Upon receipt and clearance of your settlement offer payment, your account will be adjusted to a zero balance and will be updated to "Account paid for less than full balance" on your credit report.

Please call us at 877-946-4242 with any questions. We would like to help you resolve this account and we have several options that may assist you. We would like to work with you but we can't help you if you don't call!

We look forward to hearing from you!

Sincerely,  
Asset Recovery Department  
877-946-4242

If you wish to pay by Western Union our Code City is: HCPROCESSING State: ARKANSAS



To assist with payment we accept:     (Circle One)

Please fill in the information below and return the letter to us. Please include the 3 or 4 digit security code from the back of the card.  
**We cannot process the payment without this security code.**

Bankcard Account Number

Security Code

\_\_\_\_\_  
 Expire Date

\$ \_\_\_\_\_  
Payment Amount

Cardholder Name

Signature of Cardholder

Special Settlement Offer # 1200

174560000003529.10 1 1